

Fair Political Practices Commission

Memorandum

To: Chairman Randolph, Commissioners Blair, Downey, Huguenin, and Remy

From: Mark Krausse, Executive Director

Subject: Proposed 2006 Strategic Plan

Date: November 17, 2005

This memo transmits the proposed 2006 Strategic Plan. This document incorporates the Mission Statement, Agency Description, FPPC Principles and Vision Statement adopted by the Commission at its initial strategic plan discussion in June of this year. With your approval of this plan, I will assign myself or other key Commission personnel to each of its goals and objectives, and see to their completion.

What We're Doing Right

The process of developing this document has necessarily been one of critical self-examination. It is important to take this occasion to call attention to the great many things we get right, to the many improvements we've made during a period of dwindling resources and mounting workload and, above all, to the great contributions of our dedicated employees. The internal assessment undertaken at the beginning of this process produced the following accomplishments, among others:

- Despite a 33% reduction in staffing in the Enforcement Division in the past five years, the number of cases closed with fines over that same period remained virtually level, and total fine levels for that period were consistently if moderately higher.
- Similarly, despite diminished staff resources, the Legal Division has held its average response time on advice letters virtually level while handling Prop. 34 implementation, a higher level of regulatory work in general, and a marked increase in litigation and requests for opinions.
- The public voice of the Commission, the Technical Assistance Division, has consistently delivered on its mission of education, regularly receiving commendations from candidates, filing officers and other public officials—again, all in the context of fewer TAD staff having to respond to increasingly complex and numerous requests for assistance.

It is also worth noting that continued improvements have been undertaken during the six-month development of this plan. Many of the objectives identified for achieving the goals set forth in this plan—including addressing recruitment and retention issues with the Department of Personnel Administration, seeking additional funding and positions through the Department of Finance, and internal reforms related to more timely enforcement case management—have been underway for several months.

What We Would Do With More

In response to Commissioner Remy's request for three levels of funding that would allow the Commission to administer the Political Reform Act at survival, improved and ideal levels, I provide the following:

Survival

The Commission's current level of funding (\$6.1 million) must be viewed as the minimal level of funding the agency can sustain without doing significant damage to its ability to deliver on its mandate. Even at the current level, the press and public have complained loudly that the agency has been hobbled. Further cuts would mean a reduction in the core functions of enforcement, advice and education. Because we have reduced our operating expenses to the lowest possible level, even a cut in funding as small as \$50,000 would likely force a layoff.

Improvement

A very modest level of improvement in each division (except Administration) could be achieved with an annual increase in funding of \$500,000—resulting in six to eight new employees throughout the agency. Keep in mind that this would amount to slightly less than our funding level of just two budget years ago. In the Enforcement Division, this could mean as many as two new attorneys and two investigators; in Legal, an attorney and a clerical support person (bringing them to a 1-to-4 ratio of support personnel to attorneys); and in the Technical Assistance Division, two Staff Services Analysts could be hired in order to restore some of the filing officer outreach functions the division was able to deliver prior to the last major cuts.

Ideal

In an ideal world, funding would be driven by workload. Focusing on the Enforcement Division alone, a conservative estimate of average annual workload would be 500 cases prosecuted to closure with a fine.¹ Taking the Enforcement Division's most productive year of approximately 250 cases, this would mean a doubling of current Enforcement Division funding (i.e., staffing), for a total of \$1.5 million in salaries and benefits. This would equate to roughly 19 additional personnel comprised of approximately seven attorneys, five investigators, three accounting specialists, two intake consultants, and two support personnel. As our current program funding is distributed approximately 50% to Enforcement, 25% to Legal and 25% to Technical Assistance, parity would mean an additional \$1.5 million and approximately 25 additional employees for the other two divisions. At that level, the Commission could also more fully address the education mission in a way that would bring down the number of violations and, hence, complaints received.

Just as the doubling of the Enforcement Division staff would allow it to more closely match its workload, the doubling of Legal Division staff would allow that division to meet its 21-day deadline for issuing advice, and allow the Commission to undertake more proactive regulatory initiatives, and to consider litigation decisions solely in terms of defending the Act rather than conserving its meager budget. Similarly, the additional Technical Assistance personnel would allow the Commission—perhaps for the first time—to provide a level of outreach and education that could make a considerable difference to the more than 13,000 elected officials, and perhaps as many as 130,000 additional government employees regulated by the agency throughout the state. So \$3 million—a 50% increase in the Commission's budget—is a workload-based level of funding that would provide an “ideal” level of staffing.

¹ This is actually 265 cases fewer than the average number of cases opened per year between 1992 and 2003, so it is indeed conservative.